



S. No.114

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-74138 of 2025

Date of Decision:01.01.2026

Sanjeev Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Parunjeet Singh, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. This is first petition filed under Section 482 of the BNSS, 2023 for grant of pre-arrest bail to the petitioner in case FIR No.0326 dated 31.10.2025 registered under Sections 420 and 406 of IPC at Police Station Division No.5, District Ludhiana.

2. The present case was registered on the basis of complaint given to the police by Upkar Singh Bedi with the allegations that he is an Advocate by profession. His children and children of present petitioner are studying in the same school, as a result of which, he developed intimacy with petitioner - Sanjeev Kumar, who claimed himself to be a senior officer in Department of Financial Services as he used to wear the identity card and t-shirts with the logo of the said department. Gradually, accused started visiting his office to seek legal advice and he gained trust in him. Thereafter, accused requested him to advance him a loan of Rs.2,80,000/- and on his persistent requests, he gave him a loan of Rs.2,80,000/- through bank transactions in February-March, 2025 and accused

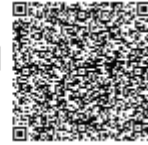


promised to return the same in about 45 days. Accused, thereafter, returned a sum of Rs.57,000/- to him through Google Pay but thereafter he refused to pay the balance amount and proclaimed that he has cheated many people in the same manner. Thereafter, he made inquiries from the concerned department from where he came to know that petitioner- accused is not employed in the said department and he impersonated as an auditor/ officer of the Department of Financial Services and he has cheated many persons by misusing fake identity cards and uniform of the said Department and he sought action against him.

3. Upon notice, learned State Counsel has appeared. I have heard learned counsel for the parties and have perused the record carefully.

4. Learned counsel for the petitioner contended that false FIR has been registered against him with concocted version and he never pretended himself to be an official of any government department. The dispute is purely of civil nature and the complainant can sue him for recovery of the amount. He is ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in his favour.

5. On the other hand, learned State Counsel has opposed the bail and has argued that petitioner has committed a heinous crime and has impersonated as an officer of the Department of Financial Services, posted at Chandigarh while cheating the complainant. In two cases, he has admitted during his cross-examination that he is a government employee serving in Finance Department and posted at Chandigarh and the copies of the said statements of the petitioner have been placed on file before the trial Court. Learned counsel contended that the petitioner has committed a heinous crime and his custodial interrogation is



essential to elicit information about the modus operandi adopted by him in committing the crime. The fake identity cards which he used to possess are yet to be recovered and as such, petitioner does not deserve concession of anticipatory bail.

6. During cross-examination, petitioner in one case titled **Sanjeev Kumar Vs. M/s Fine. Decors**, has admitted that he is a government employee, serving in Finance Department and posted at Chandigarh. During cross-examination in another case titled **Sanjeev Kumar Vs. Tarvinder Kumar**, he has admitted that he is a government employee under Ministry of Finance as an Auditor and he had also placed on file photocopy of identity card of the accused showing him to be serving in the said department. Furthermore, as per allegations in the FIR, the petitioner has cheated the complainant for an amount of Rs.2,80,000/- out of which only Rs.57,000/- has been returned. Moreover, the fake identity cards which he used to possess are also yet to be recovered. As such, the allegations against the petitioner are grave in nature. It is well settled that the power to grant anticipatory bail is of extra-ordinary nature and is to be sparingly used with circumspection as held in 2022 (4) RCR (Criminal) 968 titled as *"Sachin @ Sachin Ahuja Vs. State of Punjab"*. In SLP (Crl.) 7940 2023 titled as *"Shri Kant Upadhyay Vs. State of Bihar"*, Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in



exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

7. It is also well settled that custodial interrogation is considered “qualitatively elicitation oriented” than questioning a suspect, who is not in custody. This means that it is seen as a more effective tool for uncovering the full truth and obtaining vital information, especially in serious and complex cases, where the suspects presence and co-operation are crucial to uncover the concealed evidence. Moreover, in case, petitioner is interrogated under the protective umbrella of the order of interim bail to be passed by this Court, he is not likely to answer the question in the right earnest. Rather, grant of anticipatory bail, at this stage, will amount to hampering the investigation.

8. Resultantly, taking into consideration the gravity of the offence, petitioner is not entitled to be released on anticipatory bail and the bail application is ordered to be dismissed.

(Yashvir Singh Rathor)
Judge

January 01, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No